IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 75182-M of 2006

DATE OF DECISION : 29.01.2007

Manohar Lal and another

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. M.L. Saini, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Petitioners Manohar Lal and Anshu Honda, apprehending their arrest in a non-bailable offence in case FIR No. 28 dated 15.3.2005 under Sections 323, 324, 342, 148, 149 IPC (Section 326 IPC added lateron), registered at Police Station Rangar Nangal, District Gurdaspur, have filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 25.11.2006, passed by Additional Sessions Judge, Gurdaspur, whereby bail application of the petitioners has been dismissed.

While issuing notice of motion on November 30, 2006, interim anticipatory bail was granted to the petitioners subject to their furnishing bail bonds for the offence under Section 326 IPC.

Counsel for the petitioners contends that initially the aforesaid Fir was registered under Sections 323, 324, 342, 148 and 149 IPC and the petitioners were granted regular bail by the trial court on 16.3.2005. Subsequently, during the investigation, offence under Section 326 IPC was

added. The petitioners filed an application for anticipatory bail, which was dismissed on 25.11.2006. Counsel further contends that in this case, challan has been filed under Section 326 IPC and the injury, which is falling under the said Section, has been attributed to co-accused Bonny. The petitioners have been attributed only simple injury, which is falling under Sections 323 and 324 IPC, for which they have already been granted regular bail.

Counsel for the petitioners further states that in terms of the interim order dated November 30, 2006, the petitioners have appeared before the trial court and furnished their regular bail bonds for the offence under Section 326 IPC, which have been accepted and attested and since then, they have been regularly appearing before the trial court.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated November 30, 2006, is made absolute.

Disposed of accordingly.

January 29, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**